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2 BEFORE THE ARIZONA STATE BOARD  
3 OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY  
4

5 In the Matter of : ) No. 92-003  
6 KEVIN LEE, D.O. )  
7 Holder of License No. 2275 ) CONSENT TO ENTRY OF  
8 for the Practice of Osteopathic ) ORDER AND FINDINGS  
Medicine and Surgery in the ) OF FACT, CONCLUSIONS  
State of Arizona ) OF LAW AND ORDER

9  
10 A complaint charging KEVIN LEE, D.O., Holder of License No. 2275  
11 for the practice of Osteopathic Medicine and Surgery in the State  
12 of Arizona with unprofessional conduct as provided in A.R.S. §32-1854  
13 having been received by the Arizona Board of Osteopathic Examiners  
14 in Medicine and Surgery ("Board"); and KEVIN LEE, D.O., having  
15 expressed a desire to execute a Consent to Entry of Order ("Order")  
16 pursuant to A.R.S. §41-1061(D) in lieu of participating in a public  
17 hearing concerning the allegations contained in the complaint;

18 THEREFORE, in lieu of further proceedings and as a final  
19 disposition of this matter:

20 (1) KEVIN LEE, D.O. admits that the Findings of Fact and  
21 Conclusions of Law set forth are true and accurate.

22 (2) KEVIN LEE, D.O. admits that the conduct described in this  
23 Order is unprofessional conduct as provided by A.R.S. §32-1854.

24 (3) KEVIN LEE, D.O. acknowledges that the record prepared in  
25 this matter, all investigative material prepared and received by the  
26 Board concerning the allegations, and all related exhibits and  
27 materials may be retained in the Board's file pertaining to this  
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1 matter.

2 (4) KEVIN LEE, D.O. understands that pursuant to A.R.S. §32-  
3 1855, he has the right to a public hearing concerning each  
4 allegation set forth in the above captioned matter at which KEVIN  
5 LEE, D.O. could present evidence and cross-examine witnesses. KEVIN  
6 LEE, D.O. waives his right to such hearing.

7 (5) KEVIN LEE, D.O. waives any right to rehearing or review or  
8 to judicial review of the Findings of Fact Conclusions of Law or  
9 Order.

10 (6) KEVIN LEE, D.O. acknowledges that based upon the Findings  
11 of Fact and Conclusions of Law, coupled with his admission thereto,  
12 and pursuant to A.R.S. §32-1855, the Board is authorized to take  
13 formal disciplinary action against his license to practice  
14 osteopathic medicine and surgery.

15 (7) KEVIN LEE, D.O. understands that he has the right to  
16 consult with an attorney prior to signing this Consent to Entry of  
17 Order.

18 (8) KEVIN LEE, D.O. acknowledges that the Findings of Fact,  
19 Conclusions of Law and Order contained herein are conclusive  
20 evidence of unprofessional conduct which may not be disputed, denied  
21 or relitigated in any future proceeding and may be used for purposes  
22 of determining sanctions in any future disciplinary matter.

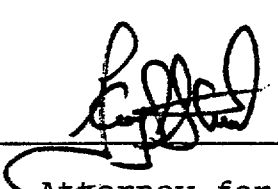
23 (9) KEVIN LEE, D.O. hereby authorizes any attending physician,  
24 psychiatrist or psychologist to release to the Board all records  
25 pertaining to his care and treatment.

26 (10) KEVIN LEE, D.O. acknowledges that any violation of this  
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1 Order by him constitutes grounds for further disciplinary action for  
2 unprofessional conduct pursuant to A.R.S. §32-1854(26).

3 (11) KEVIN LEE, D.O. acknowledges that this Order is effective  
4 beginning on the \_\_\_\_\_ day of May, 1992.

5 DATED this 25 day of May, 1992.

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Attorney for Respondent

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Respondent

14 Pursuant to the foregoing Consent to Entry of Order, the  
15 evidence contained in the Board's records and files in this matter,  
16 and good cause appearing, the Board makes the following:

17 FINDINGS OF FACT

18 I

19 KEVIN LEE, D.O. is the holder of License No. 2275 for the  
20 practice of osteopathic medicine and surgery in the State of  
21 Arizona.

22 II

23 The Board of Osteopathic Examiners in Medicine and Surgery is  
24 the duly constituted authority for the regulation of the practice  
25 of osteopathic medicine and surgery in the State of Arizona,  
26 pursuant to Title 32, chapter 17 of the Arizona Revised Statutes.

27 III

28 On or about October 7, 1990, KEVIN LEE, D.O. approached on  
T.N., an employee of Tempe St. Luke's Hospital. KEVIN LEE, D.O.

1 advised T.N. that he needed to obtain medication for his personal  
2 use, but acknowledged that he was prohibited from prescribing such  
3 medication for himself. KEVIN LEE, D.O. thereupon requested of T.N.  
4 that she permit KEVIN LEE, D.O. to write prescriptions for the  
5 benefit of T.N. and that T.N. deliver the medicine to him.

6 IV

7 On said date, KEVIN LEE, D.O. wrote two prescriptions for  
8 Percocet and soma compound in the names of T.N. and her mother.  
9 Neither T.N. nor her mother had received any medical examination of  
10 any nature prior to the issuance of said prescriptions.

11 V

12 KEVIN LEE, D.O., then delivered the prescriptions to T.N., who  
13 filled the prescription orders at a pharmacy. KEVIN LEE, D.O. also  
14 delivered to T.N. money with which to pay for the prescriptions.

15 VI

16 Upon obtaining the Percocet which KEVIN LEE, D.O. had  
17 prescribed, T.N. delivered to KEVIN LEE, D.O. Percocet ordered in  
18 two of the prescriptions written by KEVIN LEE, D.O. KEVIN LEE, D.O.  
19 permitted T.N. to retain one package of Percocet.

20 VII

21 During the course of providing services under the auspices of  
22 Tempe St. Luke's Hospital, KEVIN LEE, D.O. has requested that other  
23 personnel obtain prescription-only medication on his behalf in a  
24 manner similar to that employed by T.N.

25 VIII

26 In an interview conducted on June 12, 1991, with Board  
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1 personnel, KEVIN LEE, D.O. acknowledged that he had administered  
2 himself medications, including controlled substances.

3 IX

4 In an interview on June 12, 1991, with Board Personnel, KEVIN  
5 LEE, D.O. acknowledged that he has written prescriptions f  
6 or prescription-only medication for his brother.

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8 On or about March 17, 1991, and May 6, 1991, KEVIN LEE, D.O.  
9 wrote prescription orders for K.C. for 40 tablets and 60 tablets,  
10 respectively, of Percocet.

11 XI

12 At no time has KEVIN LEE, D.O. provided care and treatment to,  
13 nor served as a treating physician for, K.C.

14 XII

15 On or about December 6, 1990, in the course of seeking renewal  
16 of his license to practice osteopathic medicine and surgery in the  
17 State of Arizona, KEVIN LEE, D.O. affirmatively represented to the  
18 Board that he had received no treatment for substance abuse during  
19 the preceding twelve months.

20 XIII

21 During the autumn of 1990, KEVIN LEE, D.O. was enrolled in a  
22 substance abuse treatment program.

23 CONCLUSIONS OF LAW

24 XIV

25 The Board of Osteopathic Examiners in Medicine and Surgery of  
26 the State of Arizona possesses jurisdiction over the subject matter  
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1 hereof and over KEVIN LEE, D.O.

2 XV

3 The conduct described in paragraphs III through XIII herein  
4 constitutes unprofessional conduct as defined in A.R.S. § 32-  
5 1854(19): Conduct or practice contrary to recognized standards of  
6 ethics of the Osteopathic Medical Profession or conduct or practice  
7 which does or might constitute a danger to the health, welfare or  
8 safety of the patient or the public or conduct or practice or  
9 condition which does or might impair the ability to safely and  
10 skillfully to practice medicine.

11 XVI

12 The conduct described in paragraph VIII herein constitutes  
13 unprofessional conduct as defined in A.R.s. § 32-1854(22): Use of  
14 controlled substances or prescription-only drugs unless provided by  
15 a medical practitioner, as defined in § 32-1901, as part of a lawful  
16 course of treatment.

17 XVII

18 The conduct described in paragraph IX herein constitutes  
19 unprofessional conduct as defined in A.R.S. § 32-1854(23):  
20 Prescribing controlled substances to members of one's immediate  
21 family.

22 XVIII

23 The conduct in paragraphs III through VI herein constitutes  
24 unprofessional conduct as defined in A.R.S. § 32-1854(5):  
25 Prescribing controlled substances or prescription-only drugs for  
26 other than accepted therapeutic purposes.

1 XIX

2 The conduct described in paragraphs XII through XIII herein  
3 constitutes unprofessional conduct as defined in A.R.S. § 32-1854  
4 (15): Knowingly making any false or fraudulent statement, written  
5 or oral, in connection with the practice of medicine.

6 XX

7 The conduct described in paragraphs III through VI herein  
8 constitutes unprofessional conduct as defined in A.R.S. § 32-  
9 1854(38): Violating a state law applicable to the practice of  
10 medicine.

11 ORDER

12 Pursuant to A.R.S. § 32-1855(E)(4), KEVIN LEE, D.O. be placed on  
13 probation is hereby authorized to resume the practice of osteopathic  
14 medicine and surgery and is placed on probation for a period of five  
15 years, commencing from the date of this Order. The terms of  
16 probation are as follows:

17 (1) KEVIN LEE, D.O., shall successfully complete a program of  
18 treatment for substance abuse and chemical dependency at Parkside  
19 Recovery Center, Lombard, Illinois ("program"). The duration of the  
20 program shall be no fewer than two months and no more than four  
21 months, and shall be determined by the Director of Parkside Recovery  
22 Center. All costs associated with participation in the program  
23 shall be borne by KEVIN LEE, D.O. KEVIN LEE, D.O. shall provide the  
24 Executive Director of the Board evidence demonstrating that he  
25 successfully completed the program. Such evidence shall consist of  
26 documentation issued by Parkside Recover Center demonstrating KEVIN  
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1 LEE, D.O.'s successful completion of the program.

2 (2) KEVIN LEE, D.O. having demonstrated successful completion  
3 of the treatment program referenced above, may resume the practice  
4 of osteopathic medicine and surgery upon acceptance of this  
5 Agreement by the parties hereto, or their designees.

6 (3) KEVIN LEE, D.O. shall enroll in the Michigan Physician's  
7 Recovery Network ("Network") Aftercare Program and shall provide to  
8 the Board a copy of his executed contract for participation in said  
9 program. KEVIN LEE, D.O., shall authorize the Michigan Physician's  
10 Recovery Network to provide quarterly reports to the Board on his  
11 progress in, and compliance with, the terms and conditions of said  
12 program.

13 (4) KEVIN LEE, D.O., shall submit to random urinalysis testing  
14 administered by the Michigan Physician's Recovery Network Program  
15 ("Network"). Samples of biological fluids of KEVIN LEE, D.O., will  
16 be collected by an agent of the Network at times which are within  
17 the sole discretion of the Network. All costs associated with the  
18 collection and analysis of such fluids shall be borne by KEVIN LEE,  
19 D.O. Such testing and collection of such samples will be continued  
20 fo rhte duration of DR. LEE'S term of probation

21 (5) KEVIN LEE, D.O., shall use no controlled substance or  
22 prescription-only medication unless prescribed by his attending  
23 physician, and shall refrain from the use of alcohol.

24 (6) KEVIN LEE, D.O., shall adhere to and comply with the  
25 following requirements of his aftercare program:

26 a. Attendance at ninty Alcoholics Anonymous (A.A.) or  
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1 Narcotics Anonymous (N.A.) meetings in the ninety days (90) after  
2 execution of this Agreement.

3 b. Attendance at 5 A.A. or N.A. meetings per week following  
4 the initial 90 day period referenced above.

5 c. Maintenance of an A.A. or N.A. sponsor

6 d. Attendance at no less than two Caduceus Club meetings  
7 monthly.

8 e. Notification of appropriate supervisory personnel at his  
9 place of employment of his probationary status.

10 f. Attendance at no less than one aftercare group meeting per  
11 week for a period of three months after execution of this Agreement.

12 (7) KEVIN LEE, D.O., shall meet with the Board as ordered by  
13 the Board in its discretion to review his compliance with the terms  
14 of this Order.

15 (8) As long as KEVIN LEE, D.O., resides in Arizona, he shall  
16 meet in person on a monthly basis with the Board's Executive  
17 Director or his designee in order to discuss KEVIN LEE, D.O.'s  
18 compliance with the terms of this Order. Such meetings shall take  
19 place at the Board's offices at dates and times within the sole  
20 discretion of the Board's Executive Director or his designee. The  
21 Board shall give due consideration to KEVIN LEE's residential  
22 limitations.

23 (9) KEVIN LEE, D.O., shall authorize any attending physician,  
24 psychiatrist or psychologist to release to the Board and the Network  
25 all records pertaining to his care and treatment.

26 (10) KEVIN LEE, D.O., shall bear and and all costs associated  
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1 with his compliance of the terms of this Order.

2 KEVIN LEE, D.O., shall bear any and all costs associated with  
3 his compliance of the terms of this order.

4 DATED this 19<sup>th</sup> day of May, 1992.

5 ARIZONA STATE BOARD OF OSTEOPATHIC  
6 EXAMINERS IN MEDICINE AND SURGERY

7  
8 [ S E A L ]

By William C. Inboden, D.O.  
William C. Inboden, D.O., President

By Robert J. Miller, Ph.D.  
Robert J. Miller, Ph.D., Exec. Dir.

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